

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PICTURE PATENTS, LLC :
 :
Plaintiff, :
 :
v. : Case No. 07 CV 05465 (JGK) (HBP)
 :

TERRA HOLDINGS, LLC :
HALSTEAD PROPERTY, LLC :
BROWN HARRIS STEVENS, LLC :

Defendants.

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PICTURE PATENTS, LLC, :
 :
Plaintiff, :
 :
v. :
 :

AEROPOSTALE, INC., DICK'S :
SPORTING GOODS, INC., CHARLOTTE :
RUSSE, INC., GSI COMMERCE :
SOLUTIONS, INC., FOGDOG, INC., GSI :
COMMERCE, INC., NATIONAL :
BASKETBALL ASSOCIATION, NBA :
PROPERTIES, INC., NBA MEDIA :
VENTURES, LLC, MAJOR LEAGUE :
BASEBALL PROPERTIES, INC., MLB :
ADVANCED MEDIA, L.P., LINENS 'N :
THINGS, INC., TWEETER NEWCO, LLC, :
TWEETER OPCO, LLC, BUY.COM, INC. :

Defendants.

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Case No. 07 CV 05567 (JGK) (HBP)

~~PROPOSED~~ ORDER MODIFYING
RULE 26(f) DISCOVERY PLAN AND SCHEDULING ORDER

This matter having come before the Court upon the application of Plaintiff Picture Patents, LLC to extend certain discovery deadlines, and the Court having been advised that the

parties require additional time to complete discovery relating to the substantive issues of this litigation; and the Defendants not objecting to the modifications to the current Rule 26(f) Discovery Plan and Scheduling Order; and the Court having considered the pleadings in this matter, and for other and good cause having been shown:

IT IS on this 5 day of September, 2008, **ORDERED** that the Rule 26(f) Discovery Plan and Scheduling Order dated April 9, 2008 (Docket No. 82), is modified as follows:

Response to Interrogatories by Plaintiff:

- i. Plaintiff Picture Patents shall respond to GSI Commerce Solutions, Inc.'s Interrogatories Numbers 13 to 16: October 1, 2008
- ii. Plaintiff Picture Patents shall respond to GSI Commerce, Inc.'s Interrogatories Numbers 1 to 5: October 1, 2008
- iii. Plaintiff Picture Patents shall respond to Aeropostale, Inc.'s, Dick's Sporting Goods, Inc.'s and to Charlotte Russe, Inc.'s Interrogatories Numbers 1 to 2: October 1, 2008
- iv. Plaintiff Picture Patents shall respond to National Basketball Association's and MLB Advanced Media, L.P.'s Interrogatories Numbers 1 to 3: October 1, 2008
- v. Plaintiff Picture Patents shall respond to Terra Holdings, LLC's Interrogatories Numbers 1 to 6: October 1, 2008
- vi. Plaintiff Picture Patents shall respond to Halsted Property, LLC's and Brown Harris Stevens, LLC's Interrogatories Numbers 1 to 5: October 1, 2008

Response to Interrogatories by Defendants:

- vii. Defendants Aeropostale, Inc. Dick's Sporting Goods, Inc., Charlotte Russe, Inc., GSI Commerce Solutions, Inc., GSI Commerce, Inc., National Basketball

Association, NBA Properties, Inc., NBA Media Ventures, LLC, Major League Baseball Properties, Inc., MLB Advanced Media, L.P. and Brown Harris Stevens, LLC shall each respond to Picture Patents' Interrogatories Numbers 1 to 7, and 9 to 17: October 1, 2008

- viii. Defendants Terra Holdings, LLC and Halstead Property LLC shall respond to Picture Patents' Interrogatory Number 6: October 1, 2008
- ix. Defendants Aeropostale, Inc., Dick's Sporting Goods, Inc., Charlotte Russe, Inc., GSI Commerce Solutions, Inc., GSI Commerce, Inc., National Basketball Association, NBA Properties, Inc., NBA Media Ventures, LLC, Major League Baseball Properties, Inc., MLB Advanced Media, L.P. and Brown Harris Stevens, LLC shall each respond to Picture Patents' Interrogatory Number 8: October 29, 2008

Claim Construction:

- x. The parties shall exchange a list of patent claim terms which may need to be construed: October 15, 2008
- xi. The parties shall exchange their proposed claim constructions: October 29, 2008

Privilege Log:

- xii. The parties shall simultaneously exchange privilege logs: September 19, 2008

Fact and Expert Discovery:

- xiii. All fact discovery to be completed by: January 30, 2009
- xiv. Opening expert report for the party bearing the burden of proof shall be served: February 6, 2009
- xv. Rebuttal expert report shall be served: March 23, 2009

xvi. Expert discovery closes: May 5, 2009

Dispositive Motions:

xvii. Dispositive motions shall be filed no later than: June 3, 2009

Pre-trial Order:

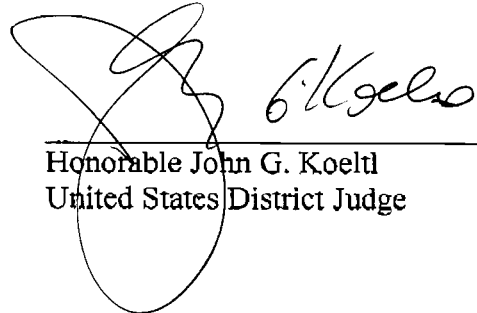
xviii. The parties will submit a pre-trial order in a form conforming with the Federal Rules of Civil Procedure and the Court's instructions on June 24, 2009 or 30 days after a decision on any dispositive motions, whichever is later.

Trial Date:

xix. The cases must be ready for trial on 48 hours notice on or after July 1, 2009 or 45 days after a decision on any dispositive motions, whichever is later.

SO ORDERED:

Dated: 9/5, 2008



Honorable John G. Koeltl
United States District Judge